

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENSLEY CONSTRUCTION, INC.)
on its own behalf and on behalf of all others similarly)
situated,)
)
Plaintiff,)
)
v.)
)
MARSH & MCLENNAN COMPANIES, INC.,)
MARSH, INC., ACE USA, ACE INA, AMERICAN)
INTERNATIONAL GROUP, AMERICAN RE-)
INSURANCE COMPANY, ARTHUR J.)
GALLAGHER & CO., HILB ROGAL & HOBBS,)
COMPANY, WILLIS GROUP HOLDINGS, LTD.,)
WILLIS NORTH AMERICA INC., WILLIS GROUP)
LTD., UNIVERSAL LIFE RESOURCES,)
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR)
INSURANCE SERVICES, INC.), THE CHUBB)
CORPORATION, USI HOLDINGS, INC., METLIFE,)
INC., PRUDENTIAL FINANCIAL, INC.,)
UNUMPROVIDENT CORPORATION, THE ST.)
PAUL TRAVELERS COMPANIES, INC., ZURICH)
AMERICAN INSURANCE COMPANY, LIBERTY)
MUTUAL GROUP INC., LIBERTY MUTUAL)
INSURANCE COMPANY, LIBERTY MUTUAL)
FIRE INSURANCE COMPANY, EMPLOYERS)
INSURANCE COMPANY OF WAUSAU, and ST.)
JAMES INSURANCE COMPANY LTD.,)
)
Defendants.)
)
)
)

Civil Action No. 05 11249 GAO

DECLARATION OF ROBERT L. TERRY, JR.

I, the undersigned, Robert L. Terry, Jr. hereby depose and say:

1. I am employed by Zurich American Insurance Company ("ZAIC") in the capacity of Director, Distributor Administration.
2. In the course of my employment, I caused and reviewed the results of a search of ZAIC's insurance policy files and records in order to ascertain the extent to which ZAIC may have or

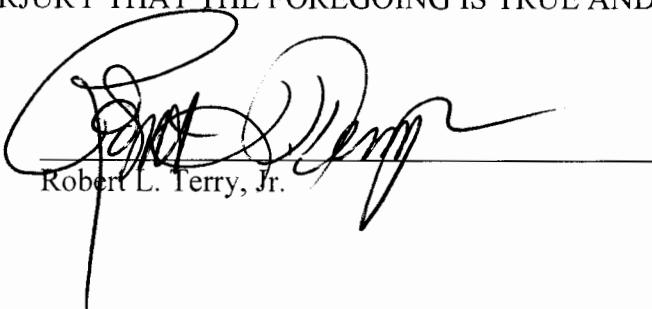
have had a business relationship with the Plaintiff in this action, Bensley Construction, Inc.

3. ZAIC's business records disclose that ZAIC issued a total of four insurance policies to Bensley Construction, Inc. at an address of 533A Putnam Avenue, Cambridge, Massachusetts covering the period of June of 1998 through June of 2002.

4. According to ZAIC's records, the broker involved in producing those policies was Foy Insurance Group, S.A., P.O. Box 1030, Exeter, New Hampshire.

5. The records further indicate that none of the policies issued by ZAIC to Bensley was underwritten in conjunction with any of the insurance brokers identified as defendants in this matter.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT



Robert L. Terry, Jr.

Date: August 15, 2005